

Page 10

USSN 10/459,872

March 16, 2005

REMARKS

This is in response to the office action mailed June 9, 2005.

Claims 23 to 28 are currently under examination. Claims 23 and 24 are amended herewith and no new matter has been introduced by the amendments. Claim 23 has been amended to clearly recite that the apertures are in the wall and defined by the wall. The configuration of the wall defines apertures that allow discharge of water at the different angles. This is clearly different from Pougnet which does not discharge water from the apertures in the wall but rather from nozzles in the form of extension pipes projecting outwardly from the wall of the vertical pipe b.

The amended claims clearly recite patentable features over Pougnet. Hence, the Examiner is requested to enter the claims either as comprising allowable subject matter or for better form on appeal.

In the amended claims, claim 23 clearly recites that the nozzle has a wall and that the apertures comprising the water deflectors are formed in the wall of the nozzle. They are not extension pipes as pipes a in Pougnet. Pougnet shows no such structure with respect to the apertures, and does not in fact

Page 11

USSN 10/459,872

March 16, 2005

have apertures of the type claimed in the present application.

In essence, Pougnet discloses a watering apparatus comprising a pipe and nozzles which are pipes themselves leading from the pipe. The Examiner's unsupported interpretation of the Pougnet description and drawings is based on hindsight for the sole purpose of creating a blueprint to reject Applicant's claims.

Applicant respectfully submits that the amended claims clearly define patentable subject matter over the Pougnet disclosure. Pougnet, at the least, fails to disclose or even suggest the structure of a nozzle and apertures defined by a wall and having water deflectors formed in the wall.

In view of the claim amendments to the claims and the technical discussion presented herein, favorable reconsideration of the claims and allowance of the application is respectfully requested.

If anything further is required, the Examiner is invited to contact the undersigned at telephone number (818) 710-2788.

Please acknowledge safe receipt hereof by signing and

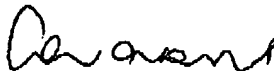
Page 12

USSN 10/459,872

March 16, 2005

returning the enclosed return postcard.

Respectfully submitted,

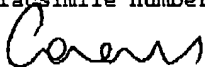


Colin P. Abrahams (Reg. No. 32,393)
Attorney for Applicant
5850 Canoga Avenue, Suite 400
Woodland Hills, California 91367
Tel(818)710-2788 Fax (818)710-2798

Enclosed: Petition for extension and check (by mail)

Certificate of Facsimile (37 CER 1.8):

I hereby certify that this correspondence is being transmitted by facsimile to
Commissioner of Patents, P O Box 1450, Alexandria, VA 22313-1450 on March 16, 2005,
facsimile number (571)273-8300.



Colin P. Abrahams

hakala1072-106.US24